

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	§ Confirmation Number:
<b>Ram SHMUELI</b>	§ 4079
Serial No.:	§ Group Art Unit:
<b>10/552,112</b>	§ <b>2857</b>
Filed:	§ Examiner:
<b>10/30/2006</b>	§ <b>BARBEE, Manuel L</b>
Priority:	§
<b>60/461,319 filed on Apr. 8, 2003</b>	§
<b>PCT/IL2004/000316</b>	§
Title: <b>A PORTABLE WIRELESS</b>	§ Atty. Docket Number:
<b>GATEWAY FOR REMOTE</b>	§ <b>13004.1010</b>
<b>MEDICAL EXAMINATION</b>	§
	§

**PAYMENT OF ISSUE FEE AND  
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Office:

On April 2, 2010, the Office mailed a Notice of Allowance and Fees(s) Due along with a Notice of Allowability. This filing is in response to the Notice of Allowance and Fee(s) due and includes the following items:

Fee(s) Transmittal Form

Credit Card Authorization Form via online payment in EFS

Comments on Statement for Reasons for Allowance

## **COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

In the Notice of Allowability, the Office has set forth various reasons for allowance and made certain allegations pertaining to various references.

It is hereby acknowledged that the positions taken in the examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable. In accordance with MPEP 1304.14, the examiner's statement should not create an estoppel. But rather, only the applicant's statements should create an estoppel. In addition, the failure of the applicant to comment on the examiner's statement of reasons for allowance, or any portion thereof, should not be treated as acquiescence to the examiner's statement. Any inferences or presumptions are to be determined on a case-by-case basis by a court reviewing the patent, the USPTO examining the patent in a reissue application or a reexamination proceeding, the Board of Patent Appeals and Interferences reviewing the patent in an interference proceeding, etc.

Although the applicant acknowledges and agrees with the examiner's stated reasons for allowance of the pending claims, the applicant does not concede or admit that the examiner's stated reasons are the only reasons for allowability of the claims or the allowability of other claims based on the application that have either been previously presented or are subsequently presented in a continuation or continuation-in-part application.

MPEP 1304.14 also establishes that the applicant may set forth his or her position if he or she disagrees with the examiner's reasons for allowance. In general, the applicant hereby affirms each of the positions that the applicant has taken during the prosecution of this application.

More specifically, the applicant submits that the positions taken in the various responses are valid and as such, the applicant makes no admissions as to the Office's arguments presented during the prosecution history. In addition, the applicant states that come of the amendments presented during prosecution were not necessary to overcome the prior art and as such, such amendments should not be used to limit the scope of the claims under the doctrine of equivalence and further, that the applicant has the right to recapture such concessions made during the prosecution by filing continuation applications.

If there are any questions, applicant respectfully requests the Office to call the applicant's attorney.

Respectfully submitted,

/Gregory Scott Smith/

By: \_\_\_\_\_  
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